

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1807V

Filed: October 18, 2019

BARBARA ANN BUSTILLOS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS)

John Walton Brookman, Brookman PLLC, Fort Worth, TX, for petitioner.

Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Corcoran, Chief Special Master:

On November 26, 2018, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barré Syndrome (GBS) as a result of receiving a seasonal quadrivalent inactivated influenza vaccination, on October 21, 2015. Petition at 1, ¶ 1. Petitioner further alleges that she received the vaccination in the United States, that she suffered the residual effects of his GBS for more than six months, and that neither she nor any other party has filed a civil action or received compensation for her GBS. *Id.* at ¶¶ 2, 28, 29. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ I intend to post this ruling on the United States Court of Federal Claims' website. **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access. Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On October 17, 2019, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent concludes that "petitioner suffered the Table injury of GBS following a flu vaccine within the [Vaccine Injury] Table time period, and that there is not a preponderance of the medical evidence that petitioner's GBS was due to a factor unrelated to the vaccination The claim also meets the statutory severity requirements because petitioner experienced sequelae of her GBS for more than six months." *Id.* at 5, (citing 42 C.F.R. §§ 100.3(a)(XIV)(D); 42 U.S.C. §§ 300aa-13(a)(1), 300aa-11(c)(1)(D)(i).

In view of respondent's position and the evidence of record, I find that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master